

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JOSHUA SHULTE,

Defendant.

17-CR-548 (JMF)

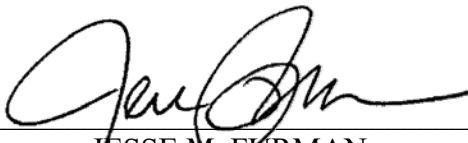
ORDER

JESSE M. FURMAN, United States District Judge:

Yesterday, the Court received two letters from Defendant, one dated December 21, 2022 (and postmarked January 5, 2023), and the other dated January 5, 2023 (and postmarked January 12, 2023), copies of which are attached. To the extent that Defendant raises issues with respect to his Rule 29/33 motion, the issues are moot as he has since filed his motion. *See* ECF No. 992. The Court will address the other issues raised in these letters (and Defendant's letter of December 13, 2022, *see* ECF No. 991) at the conference scheduled for **January 24, 2023**. (The Court understands that defense counsel may have a conflict with that date and time. If so, the parties should confer and file a letter motion proposing dates and times that would work for all involved. Unless and until the Court orders otherwise, the parties shall appear as previously ordered on January 24, 2023.)

SO ORDERED.

Dated: January 19, 2023
New York, New York



JESSE M. FURMAN
United States District Judge

Judge Jesse M. Furman

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JUDY PRO SE OFFICE

Dec. 21

RE: U.S. v. Schwite 17cr 548 (JMF)

Stanley counsel informed me today about the BOP lies and the Rule 29 motion deadline. If it was the other way around—if/when I make assertions about the government and BOP, this Court asks the government to respond. But when the government and BOP make allegations against me—the Court does not ask the defense to respond, but simply jumps to conclusions and assumes all these allegations are true. These are not the actions of a fair, unbiased judge, but of a prosecutor. I urge the Court to adopt a fair, unbiased and equal approach in handling these matters, or to recuse yourself if you are unable to do so.

The last affidavit signed by the BOP in this case was a complete fabrication—the government itself acknowledged it was false, though claimed it to be accidental than deliberate. Why the Court decided to jump to conclusions and assume that the latest BOP report would be truthful and beyond me. Psychology ran to me and initiated a very aggressive conversation—telling me to pack up because they are taking me to suicide watch. I told her no, they would have to shoot me to take me back there. She began a CIPA dialog with me, asking leading questions that I always affirmed: "So you don't want to kill yourself, right?"—"Right." "Looking at your letter, you didn't even say that here did you?"—"No." And that was the gist of the conversation—nothing about the media or anything even remotely similar was asked—though I could have said anything to avoid the barbaric conditions of "suicide watch". I did tell her the point of the letter was ~~to~~ to reduce my hunger strike for the 1st—which it was, and I did. Though I cut off the hunger strike ~~after~~ ~~from~~ early after being informed that the warden & exec. staff

See
last
page
for
Rule 29/33
Issues
↓

were all on vacation & wouldn't be back this week so I will have to choose a new date and see if I can get any results since nothing else works.

As for the Rule 29/33 motion, there is no possible way for me to get this started without my draft & other previous work. As I've told the Court a million times already, I asked counsel to inform you that the govt still refuses to give me access to my work product and that it takes up to 6 weeks to send or receive any mail here and they don't allow hand-passing of documents in legal visits like they did at FCI. So how can I possibly collaborate with counsel & finish the motion in less than 6 weeks when it takes that long for one-way mail & I haven't even been able to start without access to my work?

Moreover, as I explained in my previous letter, the govt has been lying to this court about the laptops — there is no CP on the laptops, only CP thumbnails as a result of the govt's sabotage (or incompetence). So how is it possibly just to punish me for the govt's mistake!??

I have created substantial work for my Rule 29/33 motion, but this court refuses to allow me to use it — I am significantly handicapped in my ability to represent myself in violation of Due Process. If this court is intent on waiting until September for my next trial then there is no reason the Rule 29/33 motion need be finished now — at the very least this court should allow defense to hire an expert & present evidence of the government's sabotage or allow the "investigation" to complete.

If the court insists on refusing to allow me access to my own drafts and notes for the Rule 29/33 motion, then I will be forced to file a general Rule 29/33 motion. If the January 12 deadline is missed due to mail delays and these other issues, then I ask the court to consider this letter a general Rule 29/33 motion for judgment of acquittal including a venue challenge to the government's case (which must be explicit) to preserve ~~my~~ all Rule 29 judgment of acquittal issues on appeal.

12/21/22

Josh Schulte
JS



NEW YORK NY 100
5 JAN 2023 PM 13 L

OUTSIDE
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SDNY PRO SE OFFICE
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5, 2023

BY HAND

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Jesse M. Furman, USDT

PRO SE

Jan. ~~2023~~40 Foley Square
NY, NY 10007RE: U.S. v. Schulte, ~~Case~~ S3 17 CR 546 (JMF)

Dear Judge Furman:

I write the Court regarding my inability to work on the Rule 29/33 motion. The ~~map~~ Court continues to move the deadline, but does not address the issues. First of all, the government has yet to make available all the exhibits from trial—as I notified the Court ~~last~~ and the government last conference, the MDC computer cannot display the excel documents. Secondly, the government continues to refuse to provide me a copy of ~~my~~ Rule 29/33 ~~motion~~ ^{draft}, my annotated transcripts, and substantial work product from the laptop. Thirdly, there is no way to pass drafts to counsel for assistance since, unlike the MCC, the MDC does not allow SNMs minutes to transfer documents with counsel. Fourth, the typewriter provided by the MDC ~~and~~ is extremely old and defective. Fifth, the law library monitor has not worked ~~8~~ since before Christmas—despite daily requests to fix it. Continually postponing the deadline without addressing these issues—which I've written to the Court about numerous times ~~and~~ as well as counsel—will never resolve the issue. I ask the Court to take action.

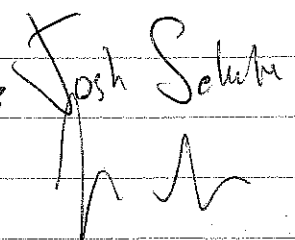
I also write to renew my request for self-representation and a speedy trial. I have not heard from the Court since I mailed my requests December 14, 2022—nearly 6 weeks ago.

Finally I wanted to reiterate for the Court the fact that its decision to punish me based on nothing except lies from the prosecutors is profoundly unjust. A judge is supposed to listen to BOTH sides before making an informed decision. Instead, this Court gobbles up the prosecutor's lies as if they were the word of God—all the while denying me the opportunity to review the evidence and respond. The government lied to your face when it claimed to find child pornography on my laptop—producing the false illusion that I am sitting in prison watching child pornography all day. Nothing could be further from the truth—~~not~~ as I stated in my previous letter, there is not

a single picture or video file of child pornography on my laptop. Instead, there are thumbnails of child pornography that were generated by the operating system and stored in a hidden, system database file that cannot be opened or viewed except through extensive forensic software that I did not possess. The circumstantial evidence clearly shows that this was caused by the government when they connected a child pornography drive to the laptop during setup. Although no child pornography was copied onto the laptop, this drive insertion triggered the generation of thumbnail images. The laptop's connections ~~prove~~ also prove that the only drives I ever connected were my discovery drives — no theft of drives from the SCIF as the government ~~has~~ falsely postulated.

I have only used the SCIF and discovery laptop as designed — I have never violated any rules or laws concerning them. Even so, based on nothing but lies from the government, this Court made assumptions and jumped to conclusions — ultimately declaring me guilty and barring me from these vital resources necessary to prepare for trial. If Denton told the Court I escaped from prison, jumped on a spaceship, flew to Jupiter to steal hydrogen and bring it back to Earth to sell on the hydrogen-black-market, the court would likely declare me guilty and institute some punishment. This is not justice; gobbling up prosecutorial lies and imposing punishment clearly violates Due Process.

~~_____~~
~~_____~~
~~_____~~
~~_____~~

1/5/23 Josh Salim


Joshua Adam Schulte Reg.No.79471-054
MDC-Brooklyn
P.O. Box 329002
Brooklyn, NY 11232

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SDNY PRO SE OFFICE

2023 JAN 18 AM 9:48

ATTN: U.S. v. Schulte, 17-cr-346
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U.S.M.
SDNY

NEW YORK NY 100
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